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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/538,949

08/18/2005

Walter Meier

FRG-16146

5607

40854 7590 08/16/2007
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EXAMINER

THOMPSON, TIMOTHY J

ART UNIT

PAPER NUMBER

2873

MAIL DATE

DELIVERY MODE

08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|--------------------------------------|--|
| Office Action Summary | Application No. 10/538,949 | Applicant(s) MEIER, WALTER | |
| | Examiner Timothy J. Thompson | Art Unit 2873 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27 and 29-49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 33-42, 47-49 is/are allowed.
- 6) ☒ Claim(s) 21-27, 30-32 and 43-46 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/14/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 29 is objected to because of the following informalities: It depends from a canceled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-27, 30-32, 46 are rejected under 35 U.S.C. 102(B) as being anticipated by Goff(U.S. Pat. No. 6,417,894).

Regarding claim 21, Goff discloses a large-area visual medium to be arranged in front of the display screen (fig 1, 14), wherein the device comprises a holding means (fig 1, 15) for arranging the visual medium in front of the display screen, and in that visual medium has a focal width between 1122 mm and 1405 mm(if a 17 inch display with a magnification of 1.4 is chooses, the focal width is equal to 1168 mm;(col 8, line 59 to col 9, line 25, theses values are within the variable ranges given for the patent); the device has a diameter of more than 370 nm(col 9,lines 10-35).

Regarding claim 22, Goff discloses, wherein the device is optimized for observing a complete display screen(col 4, lines 49-55) with both eyes(col 9, lines 34-40).

Regarding claim 23, Goff discloses an eye distance of 220 mm to 1500 mm(col 9, lines 7-10).

Regarding claim 24, Goff discloses the object distance is between 100mm and 1500 mm(col 9, lines 10-15)

Regarding claim 25, Goff discloses the focal width is between 1149mm and 1347mm(if a 17 inch display with a magnification of 1.35 is chosen; col 8, line 59 to col 9, line 25, these values are within the variable ranges given for the patent)

Regarding claim 26, Goff discloses the focal width is between 1194mm and 1235mm(if a 17 inch display with a magnification of 1.37 is chosen; col 8, line 59 to col 9, line 25, these values are within the variable ranges given for the patent)

Regarding claim 27, Goff discloses the focal width is equal to 1200 mm(if a 17 inch display with a magnification between 1.35 and 1.37 is chosen; col 8, line 59 to col 9, line 25, these values are within the variable ranges given for the patent).

Regarding claim 30, Goff discloses a system of several lenses(fig 3).

Regarding claim 31, Goff discloses a single, spherical lens(col 8, lines 60-65).

Regarding claim 32, Goff discloses a plano convex, concave-convex or biconvex(col 8, lines 60-65).

Regarding claim 46, Goff discloses a large-area visual medium to be arranged in front of the display screen (fig 1, 14), wherein the device comprises a holding means (fig 1, 15) for arranging the visual medium in front of the display screen, and in that visual

medium has a focal width between 1122 mm and 1405 mm(if a 17 inch display with a magnification of 1.4 is chooses, the focal width is equal to 1168 mm;(col 8, line 59 to col 9, line 25, theses values are within the variable ranges given for the patent); the device has a diameter of more than 370 nm(col 9,lines 10-35); the holding means is a table stand with means for adjusting the height and or inclination of the visible medium(fig 1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goff(U.S. Pat. No. 6,417,894) as applied to claim 31 above, and further in view of Ebina et al. (U.S. Pat. No. 7,088,508).

Regarding claim 43 and 44, Goff as detailed in claim rejection 31 above does not disclose an anti reflective coating. However, Ebina et al. discloses an anti reflective coating on a magnifying lens(col 3, lines 35-40). It would have been obvious to one skilled in the art at the time of the invention to use an anti reflective coating as shown by Ebina et al., with the magnifying device of Goff, since as shown by Ebina et al. anti reflective coating are commonly used with magnifying system so as to reduce the glare a viewer sees on the screen. Regarding the method of attaching the anti reflective

coating to the lens is not given patentable weight being this is germane to the issue of patentability of the device itself.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goff(U.S. Pat. No. 6,417,894) as applied to claim 31 above, and further in view of McGowan et al. (U.S. Pat. No. 6,086,228).

Regarding claim 45, Goff discloses the holding means is an adjustable arm with several degrees of freedom(fig 1). Goff does not disclose holding means can be fastened on a table. However, McGowan et al. discloses holding means can be fastened on a table(fig 1, 22-26). It would have been obvious to one skilled in the art at the time of the invention to use an holding means can be fastened on a table as shown by McGowan et al., with the magnifying device of Goff, since as shown by McGowan et al. holding means which can be fastened on a table is commonly used to securely affix the magnifying device in the desired position and being that today's monitors are becoming lighter they may not provide the required force to securely position the magnifying device.

Allowable Subject Matter

Claims 33-42, 47-49 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 33, 35, 37, 39, 41, 47, 48, with the allowable features being the specific radius of curvature plano-convex on the convex side(claim 33); the first and second radius of curvature of the biconvex lens(claim 35, 37, 39); a single spherical lens that is plano convex with a specific radius of curvature(claim 41);the distance of the device to the display screen and the viewers eyes to the device(claim 47, 48). Therefore claims 33-42, 47-49 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (571) 272-2342. The examiner can normally be reached on 8:30 AM - 6:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mack Ricky can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJT

A handwritten signature in black ink, appearing to read "Jim Olsen". The signature is fluid and cursive, with a large loop for the "O" in "Olsen".